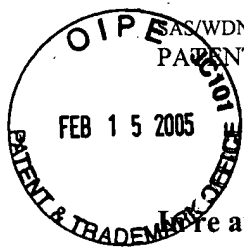


02-17-05

1FW



SAS/WDN:gte 02/15/05 354993.doc
PATENT

EXPRESS MAIL LABEL NO. EV514608404US
Attorney Reference Number 5585-61760-01
Application Number 10/009,376

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Franks *et al.*

Application No. 10/009,376

Filed: April 8, 2002

Confirmation No. 7113

For: GENE THERAPY PRODUCTS

Examiner: Richard A. Schnizer, Ph.D.

Art Unit: 1635

Attorney Reference No. 5585-61760-01

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as Express Mail Label No. EV514608404US in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed February 15, 2005

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.181 TO ENTER EXTENSION OF TIME IN ORDER TO
ESTABLISH CO-PENDENCY WITH CONTINUATION APPLICATION**

This responds to the Notice of Abandonment dated December 15, 2004, for the above-referenced patent application. Applicants assert that that a reply to the Office action dated May 19, 2004, was timely filed by Applicants. Enclosed are copies of a Transmittal Letter, a Petition for Five-Month Extension of Time, Check No. 111986 in the amount of \$1,040.00 and a postcard, which Applicants submitted to the United States Patent and Trademark Office ("USPTO") on November 18, 2004. However, Applicants did not receive the return postcard showing receipt of these items by the USPTO.

The Transmittal Letter and the Petition for Five-Month Extension of Time each contain certificates of mailing compliant with 37 C.F.R. § 1.8(a)(1), certifying that the documents were deposited with the United States Postal Service as First Class Mail on November 18, 2004. As required under 37 C.F.R. § 1.8, the undersigned (1) currently informs the USPTO of the previous mailing, (2) supplies an additional copy of the previously mailed documents, and (3) attests on a personal knowledge basis that the Transmittal Letter, Petition for Five-Month Extension of Time, check and postcard were mailed to the USPTO on November 18, 2004. Thus, this correspondence should be considered as timely filed before the five-month deadline for responding to the May 19, 2004 Office action (see MPEP 512, 37 C.F.R. § 1.8(a)(1) and C.F.R. § 1.8(b)).

Applicants also submitted a continuation application claiming the benefit of the above-referenced patent application on November 18, 2004. This continuation application has been assigned Application Number 10/993,222. Applicants request that the Petition for Five-Month Extension of Time be entered in the above-referenced application. Thus, U.S. Patent Application No. 10/009,376 will now be considered to be co-pending with U.S. Patent Application No. 10/993,222 as of November 18, 2004.

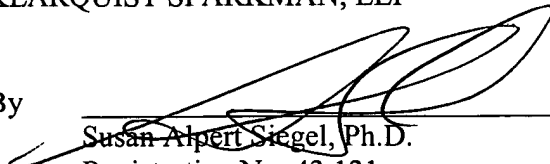
This Petition is submitted within two months of the Notice of Abandonment. Applicants note that a Petition under 37 C.F.R. §1.181(a) requesting withdrawal of the holding of abandonment does not require a fee (see the MPEP 711.03(c)(I)). However, the fee schedule dated December 8, 2004 lists a fee of \$400.00 for "Petitions to the Director not specifically provided for (fee 1462)." If the Director determines that any additional fees are required, such as the fee of \$400.00 under 37 C.F.R. §1.182, petitions not specifically provided for, Applicants request that the fee be charged to Deposit Account No. 02-4550, as authorized on the accompanying Transmittal Letter. In addition, if the USPTO cannot locate Check No. 111986, Applicants request that the required extension fees be charged to Deposit Account 02-4550.

If any additional matters remain to be resolved before granting this Petition and to establish co-pendency of the above-referenced application and Application No. 10/993,222, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Susan Alpert Siegel, Ph.D.
Registration No. 43,121

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Franks *et al.*

Application No. 10/009,376

Filed: April 8, 2002

Confirmation No. 7113

For: GENE THERAPY PRODUCTS

Examiner: Richard A. Schnizer, Ph.D.

Art Unit: 1635

Attorney Reference No. 5585-61760-01

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as Express Mail Label No. EV514608404US in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed February 15, 2005

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Petition under 37 C.F.R. § 1.181 to Enter Extension of Time in order to Establish Co-Pendency with Continuation Application.
- ☒ Copies of a Transmittal Letter, a Petition for Five-Month Extension of Time, Check No. 111986 and a postcard, dated November 18, 2004.
- ☒ Small entity status is claimed for this application.
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Susan Alpert Siegel, Ph.D.
Registration No. 43,121

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391 / Facsimile: (503) 228-9446
cc: Docketing

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Franks et al.

Application No. 10/009,376

Filed: April 8, 2002

Confirmation No. 7113

For: GENE THERAPY PRODUCTS

Examiner: Richard A. Schnizer

Art Unit: 1635

Attorney Reference No. 5585-61760-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed November 18, 2004

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PETITION FOR FIVE-MONTH EXTENSION OF TIME

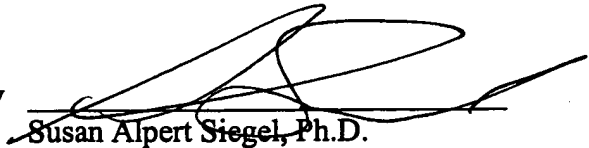
Applicants petition herein for a five-month extension of time to respond to the Office action dated May 19, 2004, making a response due on or before November 19, 2004. Submitted herewith is the required fee of \$1,040.00.

Please note that a continuation application has been submitted on November 18, 2004, claiming priority to the above-identified application.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Susan Alpert Siegel, Ph.D.
Registration No. 43,121

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

DATE: 11-18-04

PAYEE: Director - U.S. Patent and Trademark Office

CHECK # 111986

INV. DATE	INVOICE #	DESCRIPTION	AMT. PAID
11/18/04	7039	Harrison Goddard Foote 5585-61760-01 Extension	\$*****1,040.00

Handwritten: COPY

Stamp: O P E FEB 15 2005 PATENT & TRADEMARK OFFICE

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

KLARQUIST SPARKMAN, LLP
PATENT AND TRADEMARK LAWYERS
ONE WORLD TRADE CENTER, SUITE 1600
121 S.W. SALMON STREET PH. 503-226-7391
PORTLAND, OREGON 97204-2988 USA

WELLS FARGO BANK
FIFTH AND SALMON BRANCH
PORTLAND, OR 97208
11-24
1210(8)

CHECK # 111986

CHECK DATE
11/18/2004

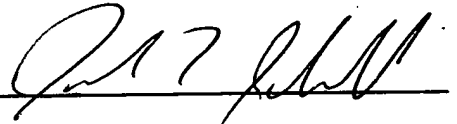
CHECK AMOUNT
\$*****1,040.00

ONE THOUSAND FORTY AND 00/100

PAY
TO THE
ORDER OF

Director - U.S. Patent and Trademark Office

KLARQUIST SPARKMAN, LLP



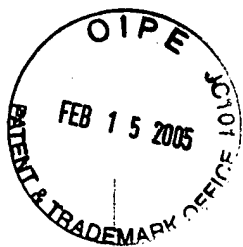
SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈111986⑈

⑆121000248⑆

4159 589456⑈

BEST AVAILABLE COPY



COPY

CLIENT/MATTER NO. 5585-61760-01

ATTY/SEC SAS:gte

INVENTOR(S): Franks et al.

APPLICATION NO. 10/009,376

FILED: April 8, 2002

The following, mailed November 18, 2004, was received in the U.S.
Patent and Trademark Office on the date stamped hereon:

- ☒ Transmittal Letter (in duplicate)
- ☒ Petition for Five-Month Extension of Time
- ☒ Check in the amount of \$1,040.00 for the extension fee (small entity)
- ☒ Authorization to Charge Deposit Account

BEST AVAILABLE COPY